

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

CENTRAL FAX CENTER

PATENT APPLICATION

JUN 27 2005

ATTORNEY DOCKET NO. 200205516-1

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kenneth K. Smith et al

Confirmation No.: 5180

Application No.: 10/680464

Examiner: Thinh T Nguyen

Filing Date: Oct 07, 2003

Group Art Unit: 2827

Title: Magnetic Memory Device

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	32	MINUS	42	= 0	X \$50	\$ 0
INDEP. CLAIMS	4	MINUS	6	= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Kenneth K. Smith et al

By

Phil Lyren

Attorney/Agent for Applicant(s)

Reg. No. 40,709

Date: 6/27/2005

(X) I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number (703) 872-9308 on 6/27/2005
Number of pages: 4

Typed Name: Ba Henry

Signature:

Telephone No.: (281) 514-8236

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

COPY

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(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-9306 on 6/27/2005
Number of pages: 4

Typed Name: Be Henry

Signature: Be Henry

Respectfully submitted,

Kenneth K. Smith et al

By Phil Lyren

Phil Lyren

Attorney/Agent for Applicant(s)

Reg. No. 40,709

Date: 6/27/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kenneth K. Smith, et al.	Examiner:	Thinh T. Nguyen
Serial No.:	10/680,464	Group Art Unit:	2827
Filed:	October 7, 2003	Docket No.:	200205516-1
Title:	Magnetic Memory Device		

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants file this response to the Restriction Requirement dated May 25, 2005. For at least the following reasons, Applicants traverse the Restriction Requirement for being an improper species restriction.

First, the Office Action has not properly identified the species for Applicants to make a proper election. The Office Action has identified each species as a claim. In other words, the Office Action identifies Species I as claim 1, Species II as claim 9, Species III as claim 18, and Species IV as claim 29. This identification is in direct contradiction to the MPEP § 806.04(e): "Claims are definitions of inventions. Claims are never species."

Second, the Office Action has not identified any of the species with an associated embodiment. Instead, the Office Action has associated each species with a single independent claim. The species restriction is in direct contradiction to the MPEP § 806.04(e):

Claims may be restricted to a single disclosed embodiment (i.e., a single species, and thus be designated a specific species claims), or a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a generic or genus claim).

Species are always the specifically different embodiments.
(Emphasis added).

Third, the Office Action has not identified a genus claim so Applicants can elect a species to which the claims will be restricted if no claim to the genus is found to be allowable. As such, the species restriction is in direct contradiction with 37 CFR 1.146.

Fourth, the Office Action has not properly followed the procedures outlined in the

MPEP to clearly identify the species. MPEP § 809.02(a) (B) states:

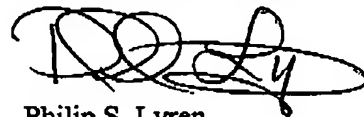
(B) Clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, *to which claims are restricted*. The species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species *cannot be conveniently identified*, the claims may be grouped in accordance with the species to which they are restricted.

Applicants respectfully ask the Examiner to withdraw the species restriction. Examination on the merits is respectfully requested. If the Examiner maintains this species restriction, then Applicants elect, with traverse, Species I.

Any inquiry regarding this Response should be directed to either Philip S. Lyren at Telephone No. (281) 514-8236. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,



Philip S. Lyren
Reg. No. 40,709
Ph: 281-514-8236

CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 27th day of June, 2005.

By 
Name: Be Henry